Beyond Stability: A United Libya will Not End the Migration Challenge for Italy and the EU

by Luca Barana, Dario Cristiani and Asli Selin Okyay

Migration can easily find its way back to the top of the European political agenda even in the context of the pandemic. This is true not only within the EU, but also with regards to relations with third countries that play key roles in preventing irregular mixed migration flows from reaching EU soil.

Renewed attention on migration has been driven by a surge in arrivals via the Central Mediterranean Route and in relation to recent events at the Spanish-Moroccan border in Ceuta in May 2021.[1] It was also the case last year, just before the global health crisis hit, when tensions at the Greek-Turkish border momentarily returned migration to centre stage in the EU's agenda and the bloc's relations with Turkey.

Uptakes in irregular arrivals are generally followed by statements from

European leaders on the need to further strengthen cooperation with third countries on migration management. When such arrivals appear to be orchestrated or tolerated by these third countries, as was the case in the Greek-Turkish border last year and the Spanish-Moroccan border recently, the EU reminds its partners about their responsibility to control their borders, stressing that the exploitation of migration would not be tolerated. This, in a nutshell, is also what emerged from the last European Council meeting of 24–25 June.

These episodes highlight the key dilemmas underlying EU migration governance, and its external dimension in particular. First, the EU increasingly looks to external partners to stem irregular migration, which continues to be the key objective guiding its migration policy. This implies enhanced reliance, if not dependence, on such partners. Notwithstanding efforts contained in the New Pact on

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[1] "Spain Vows to Restore Order after Thousands Swim into Ceuta from Morocco", in *Reuters*, 18 May 2021, https://reut.rs/3v3oICY.

Luca Barana is Research Fellow at the Istituto Affari Internazionali (IAI). Dario Cristiani is the IAI/GMF Senior Fellow at the German Marshall Fund of the United States, based in Washington. Asli Selin Okyay is Senior Fellow at IAI.

Migration and Asylum[2] to untangle the knot between internal solidarity, responsibility-sharing and external cooperation, consensus among member states remains limited to the latter dimension, while the former two struggle to make headway.

Second, the degree to which the EU can effectively delegate migration management responsibilities to third countries – beyond the willingness of these – largely depends on institutional capacity and the political and security setting of the partner state. In a context of eroding state authority and fragmented governance, as is the case in post-Gaddafi Libya, the ability of partner states to "effectively deliver" on EU demands for migration control are obviously limited. Moreover, continued insistence on this objective in such circumstances also implies potential friction between the pursuit of short-term migration goals and longer-term foreign policy objectives centred on conflict resolution, stabilisation and peace.

Third, the growing importance of external partners in EU migration governance necessarily impacts interdependencies between the two sides, equipping partners with leverage that is increasingly used to extract benefits from the EU. Different countries acting as key hubs along migration routes reaching Europe – Turkey, Tunisia, Niger, Libya and Morocco – have seen their role and leverage increase significantly as of

late. The events in Ceuta were only the most recent manifestation of how migration cooperation can easily be exploited as geopolitical leverage vis-à-vis Europe or particular member states.

Now that Libya has embarked on a delicate path towards reconciliation under the interim leadership of Abdul Hamid Dbeibah's Government of National Unity (GNU), how migration would feature within the broader EU – and Italian – approach to peace-building and capacity-building in Libya raises questions with regards to all three points above.

Talk about migration cooperation with Libya has returned following the recent surge of crossings in the central Mediterranean. After dropping since 2016, the number of irregular arrivals in Italy started to increase again in 2020, when more than 34,000 migrants arrived. As of 30 June this year, 20,359 irregular arrivals were registered, in comparison to 6,949 in the same period in 2020.[3] Italian public and politicians have been particularly rattled by the arrival of more than 1,900 migrants on 9 May,[4] reigniting internal debates on migration and calls for European solidarity through temporary relocation arrangements, which received an

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[2] European Commission, *New Pact on Migration and Asylum* (COM/2020/609), 23 September 2020, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0609.

[3] Italian Ministry of the Interior, *Cruscotto statistico giornaliero* (Daily Statistical Dashboard), 30 June 2021, http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_30-06-2021.pdf.

[4] Italian Ministry of the Interior, *Cruscotto statistico giornaliero* (Daily Statistical Dashboard), 31 May 2021, http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_31-05-2021.pdf.

ambivalent response.[5]

Turning to the external dimension, while underlining Italy's commitment to rescue those in peril "in Italian territorial waters", Prime Minister Mario Draghi also reiterated the traditional Italian approach based on enhanced cooperation with Libya and Tunisia on border control, combatting people smugglers and negotiating greater return quotas.[6] Draghi also stressed the urgency to reinstate security conditions in Libya: capacity building and migration management seem to go hand in hand once more. A similar message emerged during Dbeibah's visit to Rome on 31 May, when talk of supporting the economic reconstruction in Libya was accompanied by calls for migration cooperation.[7]

The importance of Libya for Italian – and European – migration policies is nothing new. At the time of Gaddafi, Libya was primarily a destination for migrant workers drawn by a strong economy in need of foreign labour. However, from the late 1990s onwards, Libya was also becoming a transit country for EU-bound irregular migration, leading the regime to gain a crucial role in controlling migration.[8] This also meant that migrants were increasingly seen as a tool to pressure Europe.

Indeed, Gaddafi exploited this emerging weakness, promising to help stop migrants and asylum seekers from crossing the Mediterranean in exchange for the EU to lift sanctions.[9] The same logic applied to the 2008 Italy–Libya Friendship Agreement, which set the course of transactional arrangements between European states and third countries acting as "buffers", where the former grant political and financial benefits in exchange for the latter's control of irregular migration.

The revolution put an end to what could be defined as the Gaddafi model. However, the strategy of exploiting migration vis-à-vis an increasingly migrant-averse EU did not come to an end. Against a background of eroding state authority in Libya, militias and irregular groups also started exploiting migration, while the EU found itself in a situation with no – or too many, often informal – interlocutors to engage with on migration and border controls.

[5] Emma Wallis, "EU States Ponder How to Cope with Lampedusa Landings", in *InfoMigrants*, 12 May 2021, https://www.infomigrants.net/en/post/32175/eu-states-ponder-how-to-cope-with-lampedusa-landings.

[6] Italian Government, *Camera dei Deputati, il Presidente Draghi risponde al Question time*, 12 May 2021, https://www.governo.it/it/node/16816.

[7] Marco Galluzzo, "Draghi: «Impegno italiano per la Libia ma serve azione europea concreta»", in *Corriere della Sera*, 31 May 2021, https://www.corriere.it/esteri/21_maggio_31/draghi-impegno-italiano-la-libia-ma-serve-azione-europea-concreta-bdf7d94a-c23a-11eb-97d8-c46abd749374.shtml.

[8] Sara Hamood, *African Transit Migration through Libya to Europe: The Human Cost*, Cairo, The American University of Cairo, 2006, p. 17, http://migreurop.org/IMG/pdf/hamood-libya.pdf.

[9] Kelly M. Greenhill, "Migration as a Coercive Weapon. New Evidence from the Middle East", in Kelly M. Greenhill and Peter Krause (eds), *Coercion. The Power to Hurt in International Politics*, Oxford, Oxford University Press, 2018, p. 214.

The situation for migrants and refugees became even more fragile. Libya never signed the 1951 Refugee Convention: those in need of protection cannot seek asylum or get a legal status in the country, and can be imprisoned at any time.[10] Detention, among many, has been a particularly thorny issue. Militias often run their own prisons.[11] People are kept in these structures for undetermined periods of time, outside of any consistent legislative framework amid the collapse of the legal system in Libya. This means militias and irregular groups continue to have the upper hand regarding the fate of people in their custody, including migrants and refugees.

As the interim GNU in Libya was sworn in, European countries actively engaged the new government, with Italy playing an increasingly active role. In this context, migration continues to be among the EU priority dossiers. The question is therefore twofold: how can the migration dossier fit in the reconciliation and reconstruction process? And what wider Libya strategy could catalyse improvements also with regards to migration cooperation?

From a migration governance perspective, an effective process of capacity building can bear several long-term benefits. For instance, if successful, the process of power centralisation and strengthening the institutional infrastructure could equip the EU with interlocutors to engage in a more predictable fashion. A central authority willing to be integrated into the international community would have significant incentives to better align conditions in the detention centres with international standards and improve its record on human rights. External actors actually interested in fighting the shame that Libya has witnessed over the past decade can also use a broader set of instruments vis-à-vis such a counterpart, tools they cannot employ if dealing with irregular militias whose business model depends on exploiting migration.

Moreover, this process would be essential to allow Libya to rebuild its economy. This might also help the migration front, as Libya would gradually return to attract migrants mainly motivated by economic reasons, and no longer act as a mere crossing point to reach Europe. However, a precondition for this would be to ensure that Libya commits to respecting the human rights of migrants, in a striking difference to the Gaddafi era, when migrant workers often suffered human rights violations and discrimination.

An incremental approach, and willingness to provide the economic and governance support to avoid overwhelming an already fragile social, economic and political context would also be needed. Such fragility makes sequencing essential. Merely focusing on narrowly defined migration priorities in the short-term while straining the already ailing governance capacity with migration

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[10] Marco Funk, "Migrants, Militias and the Mediterranean Sea", in *International Politics and Society*, 8 July 2019, https://www.ips-journal.eu/regions/europe/migrants-militias-and-the-mediterranean-sea-3584.

[11] Nadine Dahan, "Torture and Arbitrary Detention Widespread across Libyan Prisons: UN", in *Middle East Eye*, 10 April 2018, https://www.middleeasteye.net/node/70104.

management responsibilities in such a tumultuous context of transformation could have adverse effects on longer-term objectives of strengthening the central government and state institutions. Even more so as the main – formal – task of the current interim government is to bring the country to elections scheduled for 24 December 2021. It should be kept in mind that this government is structurally fragile, has limited capabilities and lacks real authority to negotiate long-term agreements with the EU.

However, even assuming that the interim government successfully takes the country to elections and a fully legitimate and stronger government takes office after December 2021, Italian and European policymakers should not be under the illusion that merely having a stable Libya, with stronger institutions, capable leadership and an efficient hierarchical chain of command, would automatically address all migration-related challenges.

The exploitation of migration will remain on the table even with a more efficient government. To address this problem, Italy and the EU should demonstrate political courage and shift away from the securitisation paradigm, increasingly linked to – and dependent on – the externalisation of migration management.

To remedy its increasingly vulnerable dependence on external partners, it would be paramount for the EU to politically invest in better managing its internal migration governance.[12]

Further, to go beyond the narrow policy objective – and success metric – of stemming irregular migration, deeds need to accompany words when it comes to developing a comprehensive approach to migration.

Beyond improving the EU response to spontaneous arrivals through, *inter alia*, predictable EU-led Search and Rescue mechanisms, humane reception conditions and functioning asylum systems in line with international legal standards, such a comprehensive approach also necessitates activating instruments that could nuance the "spontaneity" involved in mixed migration, such as legal – and thereby well regulated and predictable – channels for migrants, asylum seekers and refugees. Otherwise, the stakes involved in spontaneous arrivals at the EU's external borders will remain high. This would in turn continue to be the prominent soft spot for third countries to exploit, as shown by the interactions with Turkey and Morocco recently and, in the past, with Gaddafi's Libya as well.

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[12] Nathalie Tocci, *European Strategic Autonomy: What It Is, Why We Need It, How to Achieve It*, Rome, IAI, February 2021, p. 23, https://www.iai.it/en/node/12819.

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Via dei Montecatini, 17
I-00186 Rome, Italy
iai@iai.it
www.iai.it

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Director: Andrea Dessì (a.dessi@iai.it)